

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NATHANIEL MORRIS,

Plaintiff,

v.

DR. STEVEN MACCARTHUR,

Defendant.

3:06-cv-00718-BES-VPC

**ORDER**

Before the Court is defendant's Motion for Summary Judgment (#28). This action was referred to U.S. Magistrate Valerie P. Cooke, pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#49) on August 12, 2008, recommending that this Court grant defendant's Motion for Summary Judgment (#28). Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#52) on October 14, 2008 and defendant's Opposition to Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#53) was filed on October 30, 2008.

**I. ANALYSIS**

**A. Review of Magistrate Judge's Order**

Any party may object to a magistrate judge's case dispositive proposed order, findings, or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* De novo review means the court must

1 consider the matter anew, the same as if it had not been heard before and as if no decision  
2 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).  
3 Thus, although the district court need not hold a de novo hearing, the court's obligation is to  
4 arrive at its own independent conclusion about those portions of the magistrate judge's  
5 findings or recommendation to which objections are made. United States v. Remsing, 874  
6 F.2d 614, 617 (9th Cir. 1989).

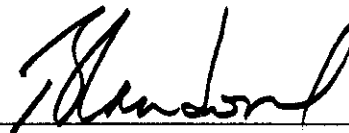
7 After conducting a *de novo* review of the record, the Court accepts and adopts the  
8 Magistrate Judge's recommendation (#49).

9 **III. CONCLUSION**

10 IT IS HEREBY ORDERED that defendant's Motion for Summary Judgment (#28) is  
11 GRANTED. The Clerk of the Court shall enter judgment accordingly.

12 IT IS SO ORDERED.

13 DATED: This 29<sup>TH</sup> day of January, 2009.

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19 UNITED STATES DISTRICT JUDGE  
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